

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**  
JAN 06 2014  
Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH H. DUST, JR.,

Defendant.

CR 08-106-BLG-DWM-CSO

ORDER

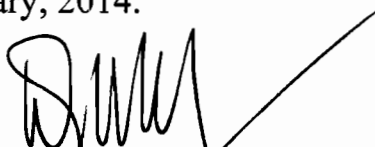
On December 10, 2013, United States Magistrate Judge Carolyn S. Ostby entered Findings and her Recommendations with respect to the December 5, 2013 Petition to Revoke Defendant Joseph H. Dust, Jr.'s term of supervised release. (Docs. 44 and 38.) A Final Hearing on revocation of the Defendant's term of supervised release was held December 10, 2013. (Doc. 40.) The parties were notified of their right, within fourteen days, to file objections to the Findings and Recommendations. (Doc. 44 at 8-9.) Neither party timely filed an objection. Failure to object waives a party's right to review. Fed. R. Crim. P. 59(b)(2). Consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the

Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Dust’s admission to the violations set forth in the Petition, Judge Ostby recommends his supervised release be revoked. (Doc. 44 at 8.) Judge Ostby further recommends this Court enter the proposed Judgment attached to her Findings and Recommendations, (Doc. 44-1), and sentence Dust to 16 months imprisonment with no term of supervised release to follow. (Doc. 44 at 8.) Judge Ostby’s Findings and Recommendations are without clear legal error. References to “French” in Judge Ostby’s report, (*see* Doc. 44 at 4), are presumably typographical errors and are corrected to refer to the Defendant.

IT IS ORDERED that Judge Ostby’s Findings and Recommendations, (Doc. 44), are ADOPTED to the extent not inconsistent with this Order. Joseph H. Dust, Jr.’s term of supervised release is revoked. Judgment will be entered by separate document.

DATED this 6<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
Donald W. Molloy, District Judge  
United States District Court